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EXAMINER

DANNEMAN, PAUL

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,371	Applicant(s) KAHLON ET AL.	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12 Jun 2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in reply to Applicant's response filed 11 June 2008, to the first office action.
2. All pending Claims 1-33 have been examined in this application.
3. Claim 29 has been amended to correct a potential rejection under 35 U.S.C. § 101. Examiner thanks Applicant for the correction.

Terminal Disclaimer

4. The terminal disclaimer filed on 11 June 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending application 10/696,097 has been reviewed and is accepted. **The terminal disclaimer has been recorded and the obviousness-type double patenting rejection has been withdrawn.**

Response to Arguments

5. Applicant argues regarding the rejection of independent Claims 1 and 9, *'that nothing in the combination of Cross Access, even with what is termed common knowledge discloses or renders obvious "extracting inventory transaction information in a first form that is associated with a first source computerized inventory management system; converting the inventory transaction information in the first form into inventory transaction information that is in a second intermediate form; and converting the transaction information in the second intermediate form into inventory transaction information in a target form that corresponds to a target computerized inventory management system."*' The Examiner has carefully considered applicant's argument and must respectfully disagree. Cross Access as stated by the President and Chief Operating Officer in the Abstract, "People need to obtain insights from the enormous legacy data stored on VSE, MVS and OS/390 mainframes. Cross Access SERIESfour makes accessing that data and its associated metadata practical in a cost-effective and timely manner. The ability to quickly move that data into a data mart or a

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new ERP application's databases is crucial to business which depend on information as a competitive asset. With the built-in speed of SERIESfour, people can migrate data far more quickly and at far less cost." Cross Access in at least paragraph [4] discloses the use of mapping and translation to forward both the data and metadata from one data store to a secondary data store. Therefore, Claims 1 and 9 are properly rejected and remain rejected.

6. Regarding the rejection of Claims 1-3 and 9-11 the Applicant argues ***'regarding the assertion of "common knowledge", page 5 of the present Office Action merely asserts "it would have been obvious, at the time of the invention, to one of ordinary skill to conclude that Cross Access is middleware which converts or translates data from one form to another form in a manner equivalent to applicant's invention."*** does not show that the facts asserted to be common knowledge are capable of ***"instant and unquestionable demonstration as being well-known."*** Also, there is no ***"clear and unmistakable" technical line of reasoning shown as to the decision to take such notice.'*** The Examiner disagrees and directs the Applicant to MPEP 2141[R-6]: If an applicant disagrees with any factual findings by the Office, an effective traverse of a rejection based wholly or partially on such findings must include a reasoned statement explaining why the applicant believes the Office has erred substantively as to the factual findings. A mere statement or argument that the Office has not established a *prima facie* case of obviousness or that the Office's reliance on common knowledge is unsupported by documentary evidence will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 CFR 1.111(b). Office personnel addressing this situation may repeat the rejection made in the prior Office action and make next Office action final. Therefore, the Examiner maintains the previous rejection regarding Claims 1-3 and 9-11.

7. Regarding dependent Claims 4-8 and 12-20 the Applicant argues that ***"Hughes fails to cure the infirmities extent in Cross Access, taken in combination with skill in the art, and taken in any permissible combination. Nothing in the combination of Cross Access, common knowledge, and Hughes discloses or renders obvious anything about the conversion of inventory transaction information from a first form, to a second intermediate form, and a target form."*** The Examiner

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disagrees as Cross Access does not have any infirmities; therefore the rejections of Claims 4-8 and 12-20 are maintained.

8. Applicant argues "Regarding the Claims 29-33, independent Claim 29 has been amended to recite features which are not disclosed in Cross Access, taken in combination with skill in the art." The Examiner disagrees, Hughes in at least FIG.8-11, Column 10, lines 8-67 and Column 11, lines 1-63 discloses the process of translating transactional data from one application database to another application database by creating an intermediate metadata packet which is passed between the two applications during the translation of the transactional data (Column 11, lines 20-27). Furthermore, Hughes in at least FIG.2 and Column 4, lines 28-41 discloses how the application-specific data structures are represented as metadata packets and still further discloses that the metadata building process is implemented on a computer system. Therefore, it would have been obvious at the time of the invention, to one of ordinary skill that applicant's use of transaction elements is similar in use and scope as Hughes' metadata packets.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 29-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 29 recites a system comprising: hardware, however the body of the claim is comprised of software, thereby making it unclear if applicant is claiming a system or software.

Claim Rejections - 35 USC § 103

12. **Claims 1-3 and 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross Access.

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Claims 1-3, and 9-11:

With regard to the limitations:

- ***Extracting inventory information in the 1st form.***
- ***Converting inventory information from the 1st form to the 2nd form.***
- ***Converting inventory information from the 2nd form into the Target form.***
- ***Using Target form inventory information to create and update a Target Computerized Inventory Management System (CMIS).***

Cross Access in at least the abstract discloses the introduction of middleware (SERIESfour) that enables the connecting of non-relational data and metadata from mainframe environments with distributed systems to satisfy the need to integrate 70 percent of today's business-critical data residing on mainframes with IT (Information Technology) initiatives like data marts and ERP applications. Cross Access further discloses that users can transparently access their disparate mainframe data stores then use CrossAccess' mapping and translation abilities to forward both the data and metadata into common desktop application, data mart tools or a LAN-based relational database. Cross Access in at least paragraph[4] further discloses that with CrossAccess it is now possible for business users to natively access critical data resources with leading applications, ranging from Microsoft® Office to high-powered decision support tools like Impromptu and Business Objects. Cross Access in at least paragraph [9] further discloses that with DataMapper™, a user can automate the mapping of non-relational data structures to logical relational tables, while maintaining the structural integrity of the underlying file or database. Cross Access in at least paragraph [10] further discloses that the SERIESfour middleware integrates with hundreds of ODBC (Open Database Connectivity) compliant tools including IBM's DataJoiner™ enabling users to join and access data from various sources on multiple platforms. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to conclude that Cross Access is middleware which converts or translates data from one form to another form in a manner equivalent to applicant's invention.

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13. **Claims 4-8, 12-20 and 29-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross Access as applied to claims 1-3 and 9-11 above, and further in view of Hughes, US 6,889,260 B1.

Claims 4-8, and 12-20:

With regard to the limitations:

- ***2nd data form includes a hierarchy of inventory data elements for a product or item.***
- ***Data elements defined by their source and destination.***
- ***Purchase order information elements are identified.***

Cross Access in at least paragraph [11] discloses its middleware product being used for ERP data migrations, but is largely silent about the ERP data elements per se. However, Hughes in at least Figs.4A and 4B and Column 5, lines 62-67 and Column 6, lines 1-9 discloses an example of a metadata building process where application-specific data definitions that define data elements are displayed to the user. Hughes in at least Figs. 8 through 11, Column 10, lines 8-32 and Column 11, lines 36-48 further discloses the creation of a source-to-target mapping of a purchase order with the various elements of a purchase order, the data conversion where incompatible data was transmitted, received and used by the target application. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to combine the legacy data translation to relational database capabilities of Cross Access with the known features of Hughes for transferring information from one application to another to achieve known predictable results.

Claims 29-33:

With regard to the limitations:

- ***A processor with an interconnect coupled to the processor;***
- ***Computer readable storage medium comprised of instruction which when executed by the processor;***

Cross Access while not silent on these limitations mostly states the features of the application and is not specific about the hardware platform. However, Hughes in at least FIG.8-11, Column

10, lines 8-67 and Column 11, lines 1-63 discloses the process of translating transactional data from one application database to another application database by creating an intermediate metadata packet which is passed between the two applications during the translation of the transactional data (Column 11, lines 20-27). Furthermore, Hughes in at least FIG.2 and Column 4, lines 28-41 discloses how the application-specific data structures are represented as metadata packets and still further discloses that the metadata building process is implemented on a computer system. Therefore, it would have been obvious at the time of the invention, to one of ordinary skill that applicant's use of transaction elements is similar in use and scope as Hughes' metadata packets.

- ***Extracting inventory information in the 1st form.***
- ***Converting inventory information from the 1st form to the 2nd form.***
- ***Converting inventory information from the 2nd form into the Target form.***

Cross Access in at least the abstract discloses the introduction of middleware (SERIESfour) that enables the connecting of non-relational data and metadata from mainframe environments with distributed systems to satisfy the need to integrate 70 percent of today's business-critical data residing on mainframes with IT (Information Technology) initiatives like data marts and ERP applications. Cross Access further discloses that users can transparently access their disparate mainframe data stores then use CrossAccess' mapping and translation abilities to forward both the data and metadata into common desktop application, data mart tools or a LAN-based relational database. Cross Access in at least paragraph[4] further discloses that with CrossAccess it is now possible for business users to natively access critical data resources with leading applications, ranging from Microsoft® Office to high-powered decision support tools like Impromptu and Business Objects. Cross Access in at least paragraph [9] further discloses that with DataMapper™, a user can automate the mapping of non-relational data structures to logical relational tables, while maintaining the structural integrity of the underlying file or database. Cross Access in at least paragraph [10] further discloses that the SERIESfour middleware integrates with hundreds of ODBC (Open Database Connectivity) compliant tools including IBM's

DataJoiner™ enabling users to join and access data from various sources on multiple platforms. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known elements of Cross Access' data translation features with the well known elements of Hughes for transferring information from one application to another, the combination yielding the predictable features of the combination.

- ***2nd data form includes a hierarchy of inventory data elements for a product or item.***
- ***Data elements defined by their source and destination.***
- ***Purchase order information elements are identified.***

Cross Access in at least paragraph [11] discloses its middleware product being used for ERP data migrations, but is largely silent about the ERP data elements per se. However, Hughes in at least Figs.4A and 4B and Column 5, lines 62-67 and Column 6, lines 1-9 discloses an example of a metadata building process where application-specific data definitions that define data elements are displayed to the user. Hughes in at least Figs. 8 through 11, Column 10, lines 8-32 and Column 11, lines 36-48 further discloses the creation of a source-to-target mapping of a purchase order with the various elements of a purchase order, the data conversion where incompatible data was transmitted, received and used by the target application. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to combine the legacy data translation to relational database capabilities of Cross Access with the known features of Hughes for transferring information from one application to another to achieve known predictable results.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

15 September 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627